

1-1 By: Zaffirini S.B. No. 40
 1-2 (In the Senate - Filed November 9, 2020; March 3, 2021, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 7, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 40 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the provision of telehealth services by certain health
 1-22 professionals licensed by the Texas Department of Licensing and
 1-23 Regulation.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Chapter 51, Occupations Code, is amended by
 1-26 adding Subchapter J to read as follows:

1-27 SUBCHAPTER J. PRACTICE BY CERTAIN LICENSE HOLDERS
 1-28 Sec. 51.501. TELEHEALTH. (a) In this section:

1-29 (1) "Health professional" means a person who holds a
 1-30 license issued by the department under Title 3.

1-31 (2) "Patient" means a client, consumer, or other
 1-32 person receiving care or services from a health professional.

1-33 (3) "Telehealth service" has the meaning assigned by
 1-34 Section 111.001.

1-35 (b) A health professional may provide telehealth services
 1-36 in accordance with Chapter 111 and any requirements imposed by the
 1-37 law and rules governing practice by the health professional.

1-38 (c) Unless the context indicates otherwise, a reference in
 1-39 Title 3 or a rule adopted under that title to direct observation of
 1-40 a patient by a health professional or direct care or services
 1-41 provided to a patient by a health professional includes the
 1-42 provision of that observation, care, or service using telehealth
 1-43 services.

1-44 (d) The commission may adopt rules as necessary to:

1-45 (1) ensure that patients receiving telehealth
 1-46 services receive appropriate, quality care;

1-47 (2) prevent abuse and fraud in the use of telehealth
 1-48 services, including rules relating to the filing of claims and
 1-49 records required to be maintained in connection with telehealth
 1-50 services;

1-51 (3) implement the requirements of Chapter 111 or other
 1-52 laws of this state regarding the provision of telehealth services
 1-53 or the protection of patients receiving telehealth services;

1-54 (4) provide for the remote supervision of assistants
 1-55 and other authorized persons performing duties within their
 1-56 existing scope of practice using telecommunications or information
 1-57 technology; and

1-58 (5) provide for the remote supervision of experience
 1-59 for apprentices, interns, or other similar trainees using
 1-60 telecommunications or information technology.

2-1 (e) Rules under this section may allow for the provision of:
2-2 (1) remote education or distance learning for public
2-3 or private schools; and
2-4 (2) continuing education using telecommunications or
2-5 information technology.

2-6 (f) The adoption of rules under this section is subject to
2-7 Sections 51.2031 and 51.2032.

2-8 (g) This section may not be interpreted to:
2-9 (1) expand the scope of practice of a health
2-10 professional; or
2-11 (2) authorize a practice or procedure otherwise
2-12 prohibited by the law or rules governing a health professional.

2-13 SECTION 2. Section 402.255(a), Occupations Code, is amended
2-14 to read as follows:

2-15 (a) A supervisor of a temporary training permit holder must:
2-16 (1) be licensed to fit and dispense hearing
2-17 instruments under this chapter or Chapter 401, other than Section
2-18 401.311 or 401.312;

2-19 (2) currently practice in this state under a license
2-20 described by Subdivision (1) [an established place of business];
2-21 and

2-22 (3) be responsible for the direct supervision and
2-23 education of a temporary training permit holder.

2-24 SECTION 3. Section 403.151, Occupations Code, is amended to
2-25 read as follows:

2-26 Sec. 403.151. PRACTICE SETTING. (a) A licensed dyslexia
2-27 practitioner may practice only in, or provide telehealth services
2-28 from a remote location only to, an educational setting, including a
2-29 school, learning center, or clinic.

2-30 (b) A licensed dyslexia therapist may practice in, or
2-31 provide telehealth services from a remote location to, a school,
2-32 learning center, clinic, or private practice setting.

2-33 (c) A license holder may provide telehealth services only in
2-34 a practice setting described by this section, regardless of the
2-35 physical location of the license holder or the recipient of the
2-36 telehealth services.

2-37 SECTION 4. The following provisions of the Occupations Code
2-38 are repealed:

- 2-39 (1) Section 401.2022; and
- 2-40 (2) Section 402.1023.

2-41 SECTION 5. This Act takes effect immediately if it receives
2-42 a vote of two-thirds of all the members elected to each house, as
2-43 provided by Section 39, Article III, Texas Constitution. If this
2-44 Act does not receive the vote necessary for immediate effect, this
2-45 Act takes effect September 1, 2021.

2-46 * * * * *